

### **REMARKS**

Claims 1-32 are currently pending in the application. Claim 1 is an independent claim, and claims 2-10 depend there from. Claim 11 is an independent claim, and claims 12-20 depend there from. Claim 21 is an independent claim, and claims 22-32 depend there from. Claims 1, 3-11, 13-21, and 25-32 are currently amended. Applicant respectfully requests that the application be reconsidered in view of the amendments set forth above and the following remarks.

The claim format amendments to claims 1, 4-11, 14-21, and 26-32 are made not for reasons related to patentability, but to comply with the intervening change in the law. SuperGuide Corp. v. DirecTV Enterprises, Inc., 358 F.3d 870 (Fed. Cir. 2004) (interpreting "at least one of" claim language).

In paragraph 2 on page 2 of the Office Action, claims 1, 11, 21, and 25 were rejected under 35 U.S.C. § 112 for insufficient antecedent basis. The Applicant has amended claims 1, 11, 21 and 25 to correct the antecedent basis. The Applicant believes the amendments to claims 1, 11, 21 and 25 have indeed overcome the 35 U.S.C. § 112 rejections and therefore respectfully requests that the rejections be withdrawn.

Also in paragraph 2 on page 2 of the Office Action, claims 1, 3, 6-10, 11, 13, 16-20, 21, 23, and 28-32 were rejected under 35 U.S.C. § 112 as being inconsistent. The Applicant has amended claims 1, 3, 11, 13, and 21 to make independent claims 1, 11, and 21 consistent with their dependent claims. The Applicant believes the amendments to claims 1, 3, 11, 13, and 21 have indeed overcome the rejection under 35 U.S.C. § 112 and therefore respectfully requests that the objections be withdrawn.

In paragraph 4 on page 3 of the Office Action, independent claims 1, 11, and 21, and dependent claims 2, 4-5, 8, 12, 14-15, 18, 22, 26-27, and 30 were rejected under 35 U.S.C. § 102(e) as being anticipated by Rauhala (U.S. Patent 6,611,547). The Applicant respectfully traverses the rejections, however, in order to advance prosecution in the application, the Applicant has amended independent claims 1, 11, and 21. The Applicant believes the amendments to claims 1, 11, and 21 have indeed overcome the

rejection under 35 U.S.C. § 102(e) and therefore respectfully requests that the rejection is withdrawn.

The Applicant sets forth in independent claim 1 a method for providing communication in a hybrid wired/wireless local area network. The method may comprise, among other things, controlling said first switch, said second switch, said first access point, a second access point, and at least one access device using said first messaging protocol message, said second messaging protocol message and a third messaging protocol message.

Rauhala is different from the Applicant's independent claim 1. Rauhala at least fails to disclose "controlling...said second switch" or "using...a third messaging protocol message" as set forth in Applicant's claim 1. Specifically, Rauhala fails to expressly mention a second switch, let alone controlling the second switch. Further, Rauhala fails to mention a third message.

For at least the reasons set forth above, the Applicant respectfully asserts that claim 1 is allowable over Rauhala. The Applicants request that the rejection of claim 1 be withdrawn.

Because dependent claims 2-10 depend, directly or indirectly, from independent claim 1, and because claim 1 is allowable over Rauhala, the Applicant asserts that rejections of dependent claims 2-10 are now moot. The Applicant asserts that claims 2-10 are also allowable over Rauhala and requests that the rejections of claims 2-10 be withdrawn.

The Applicant sets forth in independent claim 11 a machine-readable storage, having stored thereon a computer program having at least one code section for providing an intelligent switch in a hybrid wired/wireless local area network. The at least one code section executable by a machine for causing the machine to perform the steps, may comprise, among other things, a controller adapted to control said first switch, said second switch, said first access point, a second access point, and at least one access device using said first messaging protocol message, said second messaging protocol message and a third messaging protocol message.

Rauhala is different from the Applicant's independent claim 11. Rauhala at least fails to disclose "controlling...said second switch" or "using...a third messaging protocol message" as set forth in Applicant's claim 11. Specifically, Rauhala fails to expressly mention a second switch, let alone controlling the second switch. Further, Rauhala fails to mention a third message.

For at least the reasons set forth above, the Applicant respectfully asserts that claim 11 is allowable over Rauhala. The Applicants request that the rejection of claim 11 be withdrawn.

Because dependent claims 12-20 depend, directly or indirectly, from independent claim 11, and because claim 11 is allowable over Rauhala, the Applicant asserts that rejections of dependent claims 12-10 are now moot. The Applicant asserts that claims 12-20 are also allowable over Rauhala and requests that the rejections of claims 12-20 be withdrawn.

The Applicant sets forth in independent claim 21 a system for providing communication in a hybrid wired/wireless local area network. The system may comprise, among other things, controlling said first switch, said second switch, said first access point, a second access point, and at least one access device using said first messaging protocol message, said second messaging protocol message and a third messaging protocol message.

Rauhala is different from the Applicant's independent claim 21. Rauhala at least fails to disclose "a controller adapted to control...said second switch" or "using...a third messaging protocol message" as set forth in Applicant's claim 21. Specifically, Rauhala fails to expressly mention a second switch, let alone a controller adapted to control the second switch. Further, Rauhala fails to mention a third message.

For at least the reasons set forth above, the Applicant respectfully asserts that claim 21 is allowable over Rauhala. The Applicants request that the rejection of claim 21 be withdrawn.

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Amdt. dated May 6, 2005  
Reply to Office Action of Feb. 8, 2005

Because dependent claims 22-32 depend, directly or indirectly, from independent claim 21, and because claim 21 is allowable over Rauhala, the Applicant asserts that rejections of dependent claims 22-32 are now moot. The Applicant asserts that claims 22-32 are also allowable over Rauhala and requests that the rejections of claims 22-32 be withdrawn.

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**CONCLUSION**

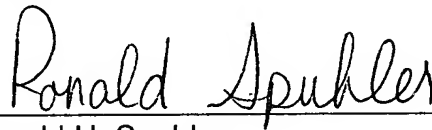
Based on at least the foregoing, Applicant believes that claims 1-15 are in condition for allowance.

The Commissioner is hereby authorized to charge additional fee(s) or credit overpayment(s) to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

A Notice of Allowance is courteously solicited.

Date: May 6, 2005

Respectfully submitted,

A handwritten signature in cursive script, reading "Ronald Spuhler", is written over a horizontal line.

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**EXHIBIT 1**

Below is the marked up version of the Amended Abstract:

Aspects of the invention provide a system and method for communicating in a hybrid wired/wireless local area network. A method for communicating in a hybrid wired/wireless local area network may include sending a first messaging protocol message between a first switch and a first access point, and/or the first switch and a second switch. In response to the first messaging protocol message, receiving at least a second messaging protocol message from the first access point, and/or the first switch, and/or the second switch. ~~One or more of the~~ The first, and second, and ~~messaging protocol messages and/or~~ a third messaging protocol message may be used to control ~~one or more of~~ the first switch, a the second switch, a first access point, a second access point, and one or more access devices.